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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/052,900      | 01/18/2002  | Jonathan Edwards     | 1011/1              | 9126             |

27774 7590 04/06/2005

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EXAMINER

GEDRICH, SARAH R

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3625

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/052,900

Applicant(s)

EDWARDS, JONATHAN

Examiner

Sarah R. Gedrich

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

Claims 1-11 are pending.

### ***Information Disclosure Statement***

Documents titled "Global Product and Service Supply Agreement," "Netprovisioning Service Agreement," and "Agreement Between Worldspan Services Limited and Globalserve Computer Services Limited" have been made of record and appear to have been intended to be considered as part of an Information Disclosure Statement (IDS). However, no formal IDS has been filed and made of record to accompany the documents and, therefore, the documents were not considered.

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "530" has been used to designate both "informative text" and "available spending amount" and reference character "830" has been used to designate both "informative text" and "display field for dynamic element". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are

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not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 560, and 1494. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 210, 220, 230, 240, 810, 815, 816, 830, 860, 826, 828, 890, 910, 920, 1020, and 1030. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if

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only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: A System and Method for Facilitating Electronic Procurement Based on Negotiated Electronic Contracts.

### ***Claim Objections***

Claim 6 is objected to because of the following informalities: "ordered on demand" should be "order on demand." Appropriate correction is required.

Claim 8 is objected to because of the following informalities: "host and agree" should be "host agree." Appropriate correction is required.

Claim 10 is objected to because of the following informalities: According to MPEP 608.01(m), "Each claim begins with a capital letter and ends with a period. Periods may not be used elsewhere in the claims except for abbreviations." Claim 10 has 2 periods, one after "organization" and one after "contract." Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claim 2 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

Claim 2 recites “host architecture,” which is not statutory subject matter. For examining purposes, the Examiner interprets claim 2 to be directed to a system.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Hare et al. US Patent No. US 6,850,900 (hereinafter referred to as “Hare”).**

Hare discloses a business to business full service secure commercial electronic marketplace. The disclosure facilitates transactions between suppliers and buyers across multiple forums and over multiple levels of sourcing. Hare further discloses:

1. Referring to claim 1. A method of providing electronic procurement to a purchasing entity comprising;

- Accessing a database containing variable elements of an on-line catalog, the elements including items suppliable by a vendor: A supplier's content is transformed and reviewed, a master catalog for the supplier is created and saved in the master catalog databases 20a (Hare: Column 9, lines 64-66). The Examiner notes that the master catalog is a database of suppliable items that is accessed to construct the general or working catalogs.
- Constructing an electronic catalog having one or more pages by selecting elements to be included in the pages, and providing commercial terms applicable to the included elements: The supplier uses the general catalog application 18c to create one or more general catalogs which are attached to one or more contracts which are negotiated with buyers (Hare: Column 9, line 66 – Column 10, line 2). The Examiner notes that the general catalogs are sub-catalogs of the items the supplier would like to contract with the buyer.
- Where the selecting and providing steps are performed consistent with contract terms between the purchasing entity and the vendor: The supplier uses the general catalog application 18c to create one or more general catalogs which are attached to one or more contracts which are negotiated with buyers (Hare: Column 9, line 66 – Column 10, line 2). The Examiner notes that the general catalog is a sub-catalog that is consistent with the contract because it is attached to the contract.
- Providing electronic access to the catalog to users authorized by the purchasing entity: Preferably, each supplier administrator, contract manager, content



manager, buyer administrator, buyer contract manager and requisitioner has a separate user I.D. and password, in addition to, and separate from, the supplier or buyer I.D. (and password). Accordingly, the system provides a secure marketplace with limited individual access, which enables the individuals to solely perform their designated or specified function (Hare: Column 9, lines 9-13). The buyers and the suppliers can group the contracts, catalogs and sub-catalogs into resources enabling access to the designated users or user groups (Hare: Column 10, lines 5-7). The Examiner notes that suppliers and buyers need to be authorized to use the system, and both supplier and buyers can allow or deny access within their own entity.

- Providing a selected page of the catalog to the user in response to user input:

The requisitioners can shop on-line in these sub-catalogs for items using the search interfaces of the on-contract sourcing application 24 (Hare: Column 10, lines 47-49). The searching interfaces provide selected pages that meet the criteria the user has input.

2. Referring to claim 2. An host architecture for an electronic procurement site comprising:

- An access interface to access and read from a database containing variable elements of an on-line catalog, the elements including items suppliable by a vendor: All of these individuals are able to access the system of the invention using a conventional computer and Internet browser, or through the buyers' procurement application as appropriate (Hare: Column 9, lines 18-21). A

supplier's content is transformed and reviewed, a master catalog for the supplier is created and saved in the master catalog databases 20a (Hare: Column 9, lines 64-66). The Examiner notes that the master catalog is a database of suppliable items that is accessed through an interface to construct the general or working catalogs.

- A plurality of web documents stored on electronic media forming pages of an electronic catalog, the web documents generated from elements selected in accordance with contract terms between a purchasing entity and the vendor, and at least one web document containing commercial terms applicable to the selected elements: The supplier uses the general catalog application 18c to create one or more general catalogs which are attached to one or more contracts which are negotiated with buyers (Hare: Column 9, line 66 – Column 10, line 2). The Examiner notes that the general catalog is a sub-catalog that is consistent with the contract because it is attached to the contract.
- A web server for providing electronic access to the catalog to users authorized by the purchasing entity: The system of the present invention preferably provides or includes an open, distributed, object-oriented component-based, n-tier client/server architecture using technology standards such as Java, Javascript, XML, EJB, etc. Access to the system is preferably provided through the Internet at one or more designated URL's, an IP dial-up or a dedicated line Extranet. The system provides a secure environment through the usernames and passwords at the user level, HTTPS, SSL and an authentication at the packet level, firewalls

and choke routers at the access level and database encryption and profiling at the data level (Hare: Column 11, lines 49-59). The Examiner notes that usernames and passwords provide the secure access to the catalogs on the server through the Internet.

3. Referring to claim 3. A method of providing electronic procurement to a purchasing entity comprising:

- Accessing a database containing dynamic elements of an on-line catalog, the elements including items suppliable by a vendor: A supplier's content is transformed and reviewed, a master catalog for the supplier is created and saved in the master catalog databases 20a (Hare: Column 9, lines 64-66). The Examiner notes that the master catalog is a database of suppliable items that is accessed to construct the general or working catalogs.
- Constructing an electronic catalog having one or more pages by selecting elements to be included in the pages, and generating commercial terms applicable to the included elements: The supplier uses the general catalog application 18c to create one or more general catalogs which are attached to one or more contracts which are negotiated with buyers (Hare: Column 9, line 66 – Column 10, line 2). The Examiner notes that the general catalogs are sub-catalogs of the items the supplier would like to contract with the buyer.
- Where the selecting and generating steps are performed in accordance with contract terms between the purchasing entity and the vendor: The supplier uses the general catalog application 18c to create one or more general catalogs which

are attached to one or more contracts which are negotiated with buyers (Hare: Column 9, line 66 – Column 10, line 2). The Examiner notes that the general catalog is a sub-catalog that is consistent with the contract because it is attached to the contract.

- Providing electronic access to the catalog to users authorized by the purchasing entity: Preferably, each supplier administrator, contract manager, content manager, buyer administrator, buyer contract manager and requisitioner has a separate user I.D. and password, in addition to, and separate from, the supplier or buyer I.D. (and password). Accordingly, the system provides a secure marketplace with limited individual access, which enables the individuals to solely perform their designated or specified function (Hare: Column 9, lines 9-13). The buyers and the suppliers can group the contracts, catalogs and sub-catalogs into resources enabling access to the designated users or user groups (Hare: Column 10, lines 5-7). The Examiner notes that suppliers and buyers need to be authorized to use the system, and both supplier and buyers can allow or deny access within their own entity.
- Accepting browsing commands from the user to display catalog pages selected by the user: The on-contract sourcing application provides a category list interface 230 as illustrated in FIG. 16A, a product list interface 232 as illustrated in FIG. 16B and a plurality of searching commands accessible from either interface (Hare: Column 22, lines 29-33).

- Providing an electronic shopping basket function configured to hold the identification of items chosen by the user from the displayed catalog pages: The private supplier sourcing interfaces further provide an add-to-cart function 266 (Hare: Column 24, lines 66-67). The present invention preferably provides the requisitioner a universal shopping cart with the below described functions. The requisitioner can add items to the shopping cart from one to many suppliers. The requisitioner can add items to the shopping cart for items that may have pricing represented in one to many currencies. The requisitioner can add items to the shopping cart from on-contract suppliers and off-contract suppliers (Hare: Column 26, lines 1-10).
- Sending contents of the electronic shopping basket to a vendor for fulfillment of the identified items to the purchasing entity in accordance with the contract terms: A checkout function 270 which enables the buyer to purchase the items in the buyer's shopping cart (Hare: Column 25, lines 3-4). When the buyer checks out the private supplier system sends the items in the buyer's shopping cart to a procurement application provided by the system which creates a requisition with the buyer's information and sends the requisition to the appropriate suppliers (Hare: Column 25, lines 7-11).
- Collecting a fee from the purchasing entity that is based on the value of the contents of the electronic shopping basket: A contract payment terms interface as illustrated in FIG. 11D which enables the supplier to define the payment terms for the contract (Hare: Column 19, lines 48-51, Figure 11D). A contract address

interface as illustrated in FIG. 12K which enables the buyer to specify a "ship to," "bill to" and "drop to" addresses for the contract (Hare: Column 20, lines 58-61, Figure 12K). A checkout function 270, which enables the buyer to purchase the items in the buyer's shopping cart (Hare: Column 25, lines 3-4). The Examiner notes that Figure 11D allows the supplier to specify the payment method and Figure 12K allows the buyer to specify the "bill to" address, and that the system incorporates a checkout function. These features and functions allow for the collection of payment fees, shipping fees, etc., that are specified by the contract and determined by the value of the shopping basket.

4. Referring to claim 4. A method of hosting an electronic procurement site ("e-procurement") by a host, the method comprising:

- Providing a web-based interface for a user to access the e-procurement site: All of these individuals are able to access the system of the invention using a conventional computer and Internet browser, or through the buyers' procurement application as appropriate (Hare: Column 9, lines 18-21).
- Identifying the user's level of authorization when accessing the site to thereby engage in an e-procurement session with the host: Preferably, each supplier administrator, contract manager, content manager, buyer administrator, buyer contract manager and requisitioner has a separate user I.D. and password, in addition to, and separate from, the supplier or buyer I.D. (and password). Accordingly, the system provides a secure marketplace with limited individual access, which enables the individuals to solely perform their designated or

specified function (Hare: Column 9, lines 9-13). The buyers and the suppliers can group the contracts, catalogs and sub-catalogs into resources enabling access to the designated users or user groups (Hare: Column 10, lines 5-7). The Examiner notes that suppliers and buyers need to be authorized to use the system, and both supplier and buyers can allow or deny access within their own entity.

- Generating a plurality of web pages to form a user-specific catalog which includes a set of deliverables that may be supplied by a supplier to a purchasing entity, wherein items contained in the set of deliverables and commercial terms for the supply of the deliverables are determined between the supplier and the purchasing entity in advance of the e-procurement session: The supplier uses the general catalog application 18c to create one or more general catalogs which are attached to one or more contracts which are negotiated with buyers (Hare: Column 9, line 66 – Column 10, line 2). The requisitioners can shop on-line in these sub-catalogs for items using the search interfaces of the on-contract sourcing application 24 (Hare: Column 10, lines 47-49). The Examiner notes that the general catalog is a sub-catalog that is consistent with the contract because it is attached to the contract. The searching interfaces provide selected pages that meet the criteria the user has input.
- Connecting the user through the web-based interface to catalog pages selected in response to the authorization level: The system also enables the buyer contract manager or administrator to create user groups 210 and resource

groups 220 to determine how each requisitioner will view the items and which items the requisitioner will see as illustrated in FIG. 14. This enables the buyer to create a plurality of sub-catalogs from the content of one or more suppliers (i.e., across suppliers), whereby each requisitioner may only be allowed to see certain items and other requisitioners may be allowed to see all of the items (Hare: Column 21, lines 1-9). The Examiner notes that each user has a username and password, which is associated with the function the user is designated to perform, thus the user/resource groups are associated with user passwords and sub-catalogs are presented accordingly.

5. Referring to claim 5. A method of fulfilling electronic orders, the method comprising;

- Providing a user electronic access to a catalog of deliverables that may be ordered by the user where the catalog is constructed according to terms of a contract for purchase and sale of deliverables between a purchasing entity and a supplier: The system also provides browse functions 238 and 239 which enable the requisitioner to browse supplier and categories, respectively, and the TR heading browse function 240 which enables the requisitioner to browse by THOMAS REGISTER.TM. heading. The product interface 232 also provides an edit requisition function 241 which enables the requisitioner to edit the requisition, an add to requisition function 242 which enables the requisitioner to add a product to the requisition and a compare products function 243 which enables



the requisitioner to compare two or more products (Hare: Column 22, line 66 – Column 23, line 9).

- Accepting browsing commands from the user to display catalog pages selected by the user: The on-contract sourcing application provides a category list interface 230 as illustrated in FIG. 16A, a product list interface 232 as illustrated in FIG. 16B and a plurality of searching commands accessible from either interface (Hare: Column 22, lines 29-33).
- Providing an electronic shopping basket function configured to hold the identification of items chosen by the user from the displayed catalog pages: The private supplier sourcing interfaces further provide an add-to-cart function 266 (Hare: Column 24, lines 66-67). The present invention preferably provides the requisitioner a universal shopping cart with the below described functions. The requisitioner can add items to the shopping cart from one to many suppliers. The requisitioner can add items to the shopping cart for items that may have pricing represented in one to many currencies. The requisitioner can add items to the shopping cart from on-contract suppliers and off-contract suppliers (Hare: Column 26, lines 1-10).
- Sending contents of the electronic shopping basket to a vendor for fulfillment of the identified items to the purchasing entity in accordance with the contract terms: A checkout function 270 which enables the buyer to purchase the items in the buyer's shopping cart (Hare: Column 25, lines 3-4). When the buyer checks out the private supplier system sends the items in the buyer's shopping cart to a

procurement application provided by the system which creates a requisition with the buyer's information and sends the requisition to the appropriate suppliers (Hare: Column 25, lines 7-11).

6. Referring to claim 6. A method of hosting an electronic procurement site ("e-procurement") by a host comprising:

- Providing an web-based interface for a user to access the e-procurement site to thereby engage in an e-procurement session with the host: All of these individuals are able to access the system of the invention using a conventional computer and Internet browser, or through the buyers' procurement application as appropriate (Hare: Column 9, lines 18-21).
- Receiving user information when accessing the site: Preferably, each supplier administrator, contract manager, content manager, buyer administrator, buyer contract manager and requisitioner has a separate user I.D. and password, in addition to, and separate from, the supplier or buyer I.D. (and password). Accordingly, the system provides a secure marketplace with limited individual access, which enables the individuals to solely perform their designated or specified function (Hare: Column 9, lines 9-13). The Examiner notes that each user is associated with a supplier or a buyer.
- Generating one or more web-page listing items and prices associated with the listed items suppliable by an OEM to a purchasing entity, where the listed items and prices are determined between the OEM and the purchasing entity in advance of the e-procurement session: The supplier uses the general catalog

application 18c to create one or more general catalogs which are attached to one or more contracts which are negotiated with buyers (Hare: Column 9, line 66 – Column 10, line 2). The Examiner notes that the general catalog is a sub-catalog that is consistent with the contract because it is attached to the contract.

- Connecting the user through the web-based interface to selected ones of the user-specific web-page where the selection is performed in response to the user information: The requisitioners can shop on-line in these sub-catalogs for items using the search interfaces of the on-contract sourcing application 24 (Hare: Column 10, lines 47-49). The searching interfaces provide selected pages that meet the criteria the user has input.
- Accepting an order for a listed item at the associated price from the user: A checkout function 270, which enables the buyer to purchase the items in the buyer's shopping cart (Hare: Column 25, lines 3-4). When the buyer checks out the private supplier system sends the items in the buyer's shopping cart to a procurement application provided by the system which creates a requisition with the buyer's information and sends the requisition to the appropriate suppliers (Hare: Column 25, lines 7-11). The Examiner notes that when the buyer enables the checkout function and the system creates a requisition, the system is accepting the order.
- Forwarding the order to a VAR for fulfillment of the ordered listed item at the associated price to the purchasing entity: A checkout function 270 which enables the buyer to purchase the items in the buyer's shopping cart (Hare: Column 25,

lines 3-4). When the buyer checks out the private supplier system sends the items in the buyer's shopping cart to a procurement application provided by the system which creates a requisition with the buyer's information and sends the requisition to the appropriate suppliers (Hare: Column 25, lines 7-11). The Examiner notes that when the system sends the requisition to the supplier the system is forwarding the order for fulfillment.

- Tracking the order on demand from the user: The Examiner notes that tracking the order is inherent to reporting on the status of an order. The order would have to be tracked to know what is the status of the order.
- Reporting the status of the tracked order on demand from the user: The marketplace enables buyers to send orders to the suppliers and enables buyers to determine the status of orders sent to the suppliers (Hare: Column 29, lines 53-55). The Examiner notes that to determine the status it would have to be reported.

7. Referring to claim 7. A method of providing electronic procurement from a host to a user within an organization comprising:

- Constructing a set of purchasable items incorporating a pre-established standard of the organization: The supplier uses the general catalog application 18c to create one or more general catalogs which are attached to one or more contracts which are negotiated with buyers (Hare: Column 9, line 66 – Column 10, line 2). The Examiner notes that the general catalog is a sub-catalog that is consistent with the contract because it is attached to the contract.

- Providing an electronic interface between the host and the user: All of these individuals are able to access the system of the invention using a conventional computer and Internet browser, or through the buyers' procurement application as appropriate (Hare: Column 9, lines 18-21).
- Determining a subset of items for display to the user, and associated data for each of the displayed items, consistent with the pre-established standard: The system also provides browse functions 238 and 239 which enable the requisitioner to browse supplier and categories, respectively, and the TR heading browse function 240 which enables the requisitioner to browse by THOMAS REGISTER.TM. heading. (Hare: Column 22, line 66 – Column 23, line 3). The product list interface 232 provides the supplier part number, the category, a product description, the manufacturers name, the price and the supplier name. The product list interface also enables the requisitioner to obtain more details regarding the product and to compare products (Hare: Column 22, lines 39-44). The Examiner notes that the price displayed correlates to the contracted price.
- Forwarding an order for selected ones of the displayed items selected by the user to a vendor where the vendor and host and agreed in advance of the forwarding that the order will be fulfilled in accordance with the pre-established standard: A checkout function 270 which enables the buyer to purchase the items in the buyer's shopping cart (Hare: Column 25, lines 3-4). When the buyer checks out the private supplier system sends the items in the buyer's shopping cart to a procurement application provided by the system which creates a

requisition with the buyer's information and sends the requisition to the appropriate suppliers (Hare: Column 25, lines 7-11). The Examiner notes that the order is sent to the appropriate supplier and if the supplier and buyer have a contract, which may include payment terms or shipping address (Hare: Column 19, lines 33-65), the order would be fulfilled in accordance with the contract. The Examiner further notes that a pre-established standard is a contract.

8. Referring to claim 8. A method of providing automated procurement from a host to a user within an organization comprising:

- Constructing a set of items purchasable by the organization in accordance with terms of a pre-established contract between an original equipment manufacturer and the organization: The supplier uses the general catalog application 18c to create one or more general catalogs which are attached to one or more contracts which are negotiated with buyers (Hare: Column 9, line 66 – Column 10, line 2). The Examiner notes that the general catalog is a sub-catalog that is consistent with the contract because it is attached to the contract.
- Providing an web-based interface between the host for user access to displayable web-pages: All of these individuals are able to access the system of the invention using a conventional computer and Internet browser, or through the buyers' procurement application as appropriate (Hare: Column 9, lines 18-21).
- Determining, in response to user request for access, a subset of items for display on web-pages and associated pricing for each item in the subset consistent with the contract: The system also provides browse functions 238 and 239 which

enable the requisitioner to browse supplier and categories, respectively, and the TR heading browse function 240 which enables the requisitioner to browse by THOMAS REGISTER.TM. heading. (Hare: Column 22, line 66 – Column 23, line 3). The product list interface 232 provides the supplier part number, the category, a product description, the manufacturers name, the price and the supplier name. The product list interface also enables the requisitioner to obtain more details regarding the product and to compare products (Hare: Column 22, lines 39-44). The Examiner notes that the price displayed correlates to the contracted price.

- Forwarding an order for user-selected ones of the items in the subset to a value added reseller where the value added reseller and host and agree in advance of the forwarding that the order will be fulfilled in accordance with the terms of the contract: A checkout function 270 which enables the buyer to purchase the items in the buyer's shopping cart (Hare: Column 25, lines 3-4). When the buyer checks out the private supplier system sends the items in the buyer's shopping cart to a procurement application provided by the system which creates a requisition with the buyer's information and sends the requisition to the appropriate suppliers (Hare: Column 25, lines 7-11). The Examiner notes that the order is sent to the appropriate supplier and if the supplier and buyer have a contract, which may include payment terms or shipping address (Hare: Column 19, lines 33-65), the order would be fulfilled in accordance with the contract. The Examiner further notes that a pre-established standard is a contract.

9. Referring to claim 9. A system for enabling automated procurement between a host and a user within an organization comprising;

- A database containing a set of items purchasable by the organization in accordance with pre-established terms of a contract between an original equipment manufacturer and the organization and further containing decision rules derived from the contract terms: A supplier's content is transformed and reviewed, a master catalog for the supplier is created and saved in the master catalog databases 20a (Hare: Column 9, lines 64-66). The Examiner notes that the master catalog is a database of suppliable items that is accessed to construct the general or working catalogs.
- A web-based interface for electronic communication between the host and the user: All of these individuals are able to access the system of the invention using a conventional computer and Internet browser, or through the buyers' procurement application as appropriate (Hare: Column 9, lines 18-21).
- A decision-engine coupled to the database for determining a subset of items for display on web-pages at the user's location and associated pricing for each item in the subset in accordance with the rules and user instructions received through the interface: The application server 46a runs the applications, processes data and requests and sends information back to the users (Hare: Column 12, lines 22-24). The Examiner notes that the application server processes the data and requests includes determining a sub-set for search criteria that has been inputted.



- A communications portal coupled to the decision-engine for forwarding an order for user-selected ones of the items in the subset to a value added reseller where the value added reseller and host and agree in advance of the forwarding that the order will be fulfilled in accordance with the terms of the pre-established contract: The application server 46a runs the applications, processes data and requests and sends information back to the users (Hare: Column 12, lines 22-24). The plurality of suppliers 12 and buyers 14 preferably access the marketplace through the Internet (or through their own intranets) (Hare: Column 8, lines 54-56). The Examiner notes that the information is sent back to the buyer over the Internet. The Internet is a communication portal to present information to the buyer and forward orders to the supplier.
10. Referring to claim 10. A method of providing web-based procurement from a host to a user within an organization comprising:
- Constructing a set of items purchasable by the organization in accordance with pre-established terms of a contract between an original equipment manufacturer and the organization: The supplier uses the general catalog application 18c to create one or more general catalogs which are attached to one or more contracts which are negotiated with buyers (Hare: Column 9, line 66 – Column 10, line 2). The Examiner notes that the general catalog is a sub-catalog that is consistent with the contract because it is attached to the contract.
  - Providing a web-based interface between the host and the user: All of these individuals are able to access the system of the invention using a conventional

computer and Internet browser, or through the buyers' procurement application as appropriate (Hare: Column 9, lines 18-21).

- In response to user instructions received through the interface, determining a subset of items for display on web-pages and associated pricing for each item in the subset consistent with the contract: The supplier uses the general catalog application 18c to create one or more general catalogs which are attached to one or more contracts which are negotiated with buyers (Hare: Column 9, line 66 – Column 10, line 2). The requisitioners can shop on-line in these sub-catalogs for items using the search interfaces of the on-contract sourcing application 24 (Hare: Column 10, lines 47-49). The Examiner notes that the general catalog is a sub-catalog that is consistent with the contract because it is attached to the contract. The searching interfaces provide selected pages that meet the criteria the user has input.
- Sending the subset of items and associated pricing for display on web-pages, the currency for the displayed associated pricing being selectable by the user: The requisitioners can shop on-line in these sub-catalogs for items using the search interfaces of the on-contract sourcing application 24 (Hare: Column 10, lines 47-49). The system provides the ability to define a different currency and exchange that will be used when determining the negotiated pricing between the supplier and buyer. The marketplace may also be adapted to host within the marketplace a buying organization or trading community's multi-lingual, preferred trading relationship catalogs (Hare: Column 26, lines 27-35). The Examiner notes that

the buyer uses a searching interface that would display the subset of items and that the associated currency would be displayed. The examiner further notes that the system allows for a multi-lingual catalog that would present the preferred catalog or language/currency.

- Accepting an order for user-selected ones of the items in the subset where the user-selecting function and total monetary value of the order is subject to limits authorized by the organization: A checkout function 270 which enables the buyer to purchase the items in the buyer's shopping cart (Hare: Column 25, lines 3-4). When the buyer checks out the private supplier system sends the items in the buyer's shopping cart to a procurement application provided by the system which creates a requisition with the buyer's information and sends the requisition to the appropriate suppliers (Hare: Column 25, lines 7-11). The buyer can also filter certain base or extended attributes or fields and can attach messages to each product or sub-catalog of products to provide the requisitioner with messages or information including, for example, volume discount indicators for the buyer's requisitioners (Hare: Column 22, lines 15-20). The Price Check verification the system preferably automatically changes those items to the on-contract sourcing application so that the negotiated price and other terms for the product will apply such items (Hare: Column 25, lines 64-67). The Examiner notes that when the buyer enables the checkout function and the system creates a requisition, the system is accepting the order. The Examiner interprets the requisitioner

messages and "other terms" to include a maximum or minimum spending limit or a percentage of the spending or a percentage of the products.

- Forwarding the accepted order to a value added reseller where the value added reseller and host and agree in advance of the forwarding that the order will be fulfilled in accordance with the terms of the contract: A checkout function 270 which enables the buyer to purchase the items in the buyer's shopping cart (Hare: Column 25, lines 3-4). When the buyer checks out the private supplier system sends the items in the buyer's shopping cart to a procurement application provided by the system which creates a requisition with the buyer's information and sends the requisition to the appropriate suppliers (Hare: Column 25, lines 7-11). The Examiner notes that when the system sends the requisition to the supplier the system is forwarding the order for fulfillment.

11. Referring to claim 11. A method of fulfilling electronic ordering comprising:

- Constructing a catalog of a set of deliverables, members included within the set and prices associated with each member are established between a purchasing entity and a supplier prior to the electronic ordering: The supplier uses the general catalog application 18c to create one or more general catalogs which are attached to one or more contracts which are negotiated with buyers (Hare: Column 9, line 66 – Column 10, line 2). The Examiner notes that the general catalog is a sub-catalog that is consistent with the contract because it is attached to the contract.

- Making the constructed catalog available on-line to users authorized by the purchasing entity: The plurality of suppliers 12 and buyers 14 preferably access the marketplace through the Internet (or through their own intranets) (Hare: Column 8, lines 54-56). All of these individuals are able to access the system of the invention using a conventional computer and Internet browser, or through the buyers' procurement application as appropriate (Hare: Column 9, lines 18-21). Preferably, each supplier administrator, contract manager, content manager, buyer administrator, buyer contract manager and requisitioner has a separate user I.D. and password, in addition to, and separate from, the supplier or buyer I.D. (and password). Accordingly, the system provides a secure marketplace with limited individual access, which enables the individuals to solely perform their designated or specified function (Hare: Column 9, lines 9-13). The buyers and the suppliers can group the contracts, catalogs, and sub-catalogs into resources enabling access to the designated users or user groups (Hare: Column 10, lines 5-7). The Examiner notes that the marketplace is "on-line" and the user access the system using a standard browser interface. The Examiner further notes that suppliers and buyers need to be authorized to use the system, and both supplier and buyers can allow or deny access within their own entity.
- Receiving orders for the deliverables from the authorized users: A checkout function 270 which enables the buyer to purchase the items in the buyer's shopping cart (Hare: Column 25, lines 3-4). When the buyer checks out the private supplier system sends the items in the buyer's shopping cart to a

procurement application provided by the system which creates a requisition with the buyer's information and sends the requisition to the appropriate suppliers (Hare: Column 25, lines 7-11). The Examiner notes that when the buyer enables the checkout function and the system creates a requisition, the system is receiving the order.

- Generating, from the received orders, purchase orders to a vendor to initiate fulfillment of the ordered deliverables to a location designated by the user or purchasing entity in accordance with the established terms: A checkout function 270 which enables the buyer to purchase the items in the buyer's shopping cart (Hare: Column 25, lines 3-4). When the buyer checks out the private supplier system sends the items in the buyer's shopping cart to a procurement application provided by the system which creates a requisition with the buyer's information and sends the requisition to the appropriate suppliers (Hare: Column 25, lines 7-11). The Examiner notes that when the system sends the requisition to the supplier the system is generating a requisition or purchase order for fulfillment under the contracted terms.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Conklin et al. US Patent No. US 6,338,050 "System and Method for Providing and Updating User Supplied Context for a Negotiations System.

The system is drawn to a multivariate negotiations engine for international transaction processing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah R. Gedrich whose telephone number is (703) 306-5449. The examiner can normally be reached on M-F 7:30am - 5:00pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703) 308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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